

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8369 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

METHIBEN REVJIBHAI RATHWA

Versus

DDO

Appearance:

MR HARIN P RAVAL for Petitioner

MR KT DAVE, AGP for Respondent No. 2.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 05/10/98

ORAL JUDGEMENT

Leave to delete respondents nos. 1 and 3.

2. Rule. Service of rule is waived by Mr. K.T.Dave, learned Assistant Government Pleader appearing for respondent No. 2 (now sole respondent). Heard. The petitioner, an elected Sarpanch of Moti Umrul Gram Panchayat, came to be suspended from the office of Sarpanch and as per the facts alleged in the petition,

the petitioner had moved an appeal before the respondent No. 1 herein. During the pendency of the said appeal, the petitioner prayed for grant of stay against the operation of the order of suspension dated 3rd September, 1998 but the first respondent, by impugned order, refused the stay of the order of suspension dated 3rd September, 1998 by a non-speaking order. It is not understandable as to under what circumstances, stay has been refused, particularly when the appeal is pending. Hence, in the facts and circumstances of the case, following directions are issued :

The impugned order refusing stay is hereby quashed and set aside and the application for stay is revived. The appellate authority namely the District Development Officer will pass appropriate speaking order in accordance with law after hearing the petitioner on the said stay application. Till such decision is taken by the appellate authority namely the District Development Officer, there shall be status quo as on today with regard to order of suspension. In view of the above directions, learned advocate Mr. Raval appearing for the petitioner seeks leave to withdraw this petition. Leave is granted. Disposed of as withdrawn. Rule is discharged. No order as to cost.

5.10.1998. (M.S.Parikh,J.)

Vyas